

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Dennis E. Hecker,

Debtor.

BKY No. 09-50779

Chapter 7

**NOTICE OF HEARING AND MOTION FOR ORDER
AUTHORIZING RULE 2004 EXAMINATIONS**

TO: JM&A Group, Jim Moran & Associates, Inc., Fidelity Warranty Services, Inc., Fidelity Insurance Agency, Inc., Courtesy Insurance Company, JM Family Enterprises, Inc., and Maria K. Guttuso, 500 Jim Moran Boulevard, Deerfield Beach, FL 33442.

1. Randall L. Seaver, the Chapter 7 Trustee of the above-captioned bankruptcy estate ("**Trustee**"), applies to the court for authorization to conduct a Bankruptcy Rule 2004 examination. The examinations for which authorization is sought are those of JM&A Group, Jim Moran & Associates, Inc., Fidelity Warranty Services, Inc., Fidelity Insurance Agency, Inc., Courtesy Insurance Company, JM Family Enterprises, Inc. and Maria K. Guttuso.

2. The Court will hold a hearing on this motion at 2:00 p.m. on July 14, 2010, in Courtroom 8 West, U.S. Bankruptcy Court, 300 South Fourth Street, Minneapolis, MN 55415.

3. Any response to this motion must be filed and served by delivery not later than July 9, 2010 which is five days before the time set for the hearing (including Saturdays, Sundays and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This case was commenced by the filing of a voluntary petition under Chapter 7 on June 4, 2009. The case is currently pending in this Court. This Court has jurisdiction over this application pursuant to 28 U.S.C. §157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1.

This proceeding is a core proceeding. This Application arises under Bankruptcy Rule 2004. This Application is filed under Local Rule 2004-1(a).

5. Debtor, either individually or through his entities, had warranty program relationships with some or all of the corporate entities for which examination is sought. Ms. Guttuso appears to be general counsel for JM&A Group and is knowledgeable about these relationships.

6. Millions of dollars were paid pursuant to these relationships to Debtor or his entities and, upon information and belief, more will be due.

7. By way of example, a check in the amount of \$45,990.55 was issued payable to Denny Hecker's Automotive Group on October 4, 2008. That check was deposited by the Debtor into his personal account on October 14, 2008.

8. The Trustee desires to obtain all records required to understand the proposed examinees' relationship to Debtor and his entities. Further, Bankruptcy Rule 2004 authority will permit the Trustee to obtain testimony related to these issues.

9. The Trustee gives notice that he may testify at the hearing of this matter.

WHEREFORE, the Trustee requests that the Court enter an order approving the Trustee's examination, pursuant to Bankruptcy Rule 2004, of JM&A Group, Jim Moran & Associates, Inc., Fidelity Warranty Services, Inc., Fidelity Insurance Agency, Inc., Courtesy Insurance Company, JM Family Enterprises, Inc. and Maria K. Guttuso.

**LEONARD, O'BRIEN,
SPENCER, GALE & SAYRE LTD.**

Dated: June 28, 2010

/e/ Matthew R. Burton
By: _____
Matthew R. Burton, #210018
Attorneys for Trustee
100 South Fifth Street, Suite 2500
Minneapolis, MN 55402
(612) 332-1030

VERIFICATION

I, Randall L. Seaver, Chapter 7 Trustee in the above-captioned matter state under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed on June 28, 2010

/e/ Randall L. Seaver

Randall L. Seaver, Trustee

424083

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

BKY No. 09-50779

In re:

Chapter 7

Dennis E. Hecker,

Debtor.

UNSWORN CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2010, I caused the following documents:

***Notice of Hearing and Motion for Order Authorizing Rule 2004 Examinations and
Order (proposed)***

to be filed electronically with the Clerk of Court through ECF, and that the above documents will be delivered by automatic e-mail notification pursuant to ECF and this constitutes service or notice pursuant to Local Rule 9006-1(a).

I further certify that I caused a copy of the foregoing documents to be mailed by first class mail, postage paid, to the following:

Maria K. Guttuso
JM&A Group
Jim Moran & Associates, Inc.
Fidelity Warranty Services, Inc.
Fidelity Insurance Agency, Inc.
Courtesy Insurance Company
JM Family Enterprises, Inc.
500 Jim Moran Boulevard
Deerfield Beach, FL 33442

Dennis E. Hecker
1615 Northridge Drive
Medina, MN 55391

Michael B. Lubic
Sonnenschein Nath & Rosenthal LLP
10100 Santa Monica Blvd 7th Floor
Los Angeles, CA 90067

Michael W. Malter
Binder & Malter LLP
2775 Park Avenue
Santa Clara, CA 95050

Dated: June 28, 2010

/e/ Stephanie Wood

Stephanie Wood
100 South Fifth Street, Suite 2500
Minneapolis, MN 55402
(612) 332-1030

424211

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

BKY No. 09-50779
Chapter 7

Dennis E. Hecker,

Debtor.

ORDER FOR RULE 2004 EXAMINATIONS

This case is before the court on the motion of Randall L. Seaver, the trustee seeking authorization to conduct the examinations of JM&A Group, Jim Moran & Associates, Inc., Fidelity Warranty Services, Inc., Fidelity Insurance Agency, Inc., Courtesy Insurance Company, JM Family Enterprises, Inc. and Maria K. Guttuso pursuant to Bankruptcy Rule 2004(a) and Local Rule 2004-1(a).

It is ordered:

The trustee's application for authorization to conduct 2004 examinations is granted.